

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administration		(2) MEETING DATE August 1, 2006		(3) CONTACT/PHONE Vincent Morici, 781-5020	
(4) SUBJECT Request to approve recommended responses to findings and recommendations contained in the Grand Jury report on Restraining Orders, and to forward the responses to the Presiding Judge of the Superior Court.					
(5) SUMMARY OF REQUEST The Grand Jury has prepared a report addressing the use of restraining orders for victims of domestic violence. The Grand Jury requests a response from the Probation Department, Sheriff Coroner and the Board of Supervisors to several findings and recommendations contained in the report.					
(6) RECOMMENDED ACTION It is recommended that your Board approve the attached responses and forward these responses to the Presiding Judge of the Superior Court.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Sheriff-Coroner, Chief Probation Officer and the Victim Witness Division of the District Attorney's Office were consulted during the preparation of the response to the Grand Jury report.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW					

8-1-06

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



DAVID EDGE
COUNTY ADMINISTRATOR

TO: Honorable Board of Supervisors

FROM: Vincent Morici, Administrative Analyst

DATE: August 1, 2006

SUBJECT: Response to the 2005-2006 Grand Jury Interim Report on Restraining Orders: "Paper Thin Protection."

RECOMMENDATION

Staff recommends that the Board of Supervisors adopt the attached responses from the Probation Department and Sheriff Coroner as the Board of Supervisors' response to Findings Nos. 1, 3 and 5 and Recommendations Nos. 2, 3, 4 and 5 to the report on Restraining Orders: "Paper Thin Protection." It is recommended that your Board adopt the responses to Findings Nos. 2 and 6 and Recommendation No. 6 as proposed in the staff report below.

DISCUSSION

The Grand Jury issued an interim report on Restraining Orders: "Paper Thin Protection." The report evaluates the use of restraining orders as they relate to domestic violence. The report identifies a total of six findings and five recommendations. The Grand Jury has required responses from all city councils and police departments. The cities will be providing their responses directly to the Grand Jury. The Grand Jury has also required that the Sheriff-Coroner respond to Finding Nos. 1 and 3 and Recommendations Nos. 2, 3 and 4. The Probation Department is to respond to Finding Nos. 5 and Recommendation 4. The Board of Supervisors is to respond to all five findings and all six recommendations contained in the report.

Attached to this report is a copy of the Sheriff-Coroner's and Probation Department response to the Grand Jury report. After evaluating the Grand Jury report, staff recommends that the Board of Supervisors adopt the Sheriff-Coroner's responses to Finding Nos. 1 and 3 and the Sheriff-Coroner responses to Recommendation Nos. 2, 3 and 4 as the Board's response. It is further recommended that the Board of Supervisors adopt the Probation Department response to Finding No. 5 and Recommendation No. 5 as the Board's response.

The Board is also required to respond to Findings Nos. 2 and 6, and Recommendation No.1. Recommended responses are below.

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Grand Jury Finding Number 2

Research shows that the impact of domestic violence on children has a lasting effect in that such children has a strong tendency to experience "the cycle of violence" in their own adult relationships and/or become abusers themselves.

Recommended Board Response:

We agree with this finding.

Grand Jury Finding Number 4

Despite the law requiring firearms to be surrendered when an EPO is issued, this is not always done. (Appendix B Tables 7 and 8).

Recommended Board Response

The Grand Jury Finding references EPOs (Emergency Protective Orders). Emergency Protective Orders are different than Orders After Hearing or Criminal Protective Orders. According to the Family Code, an EPO does not carry with it an automatic requirement to surrender firearms. However, the Board acknowledges the response of the Sheriff-Coroner to Recommendation No. 4 that Deputy Sheriffs are diligent in investigating whether firearms are present in the home or accessible to or owned by domestic violence offenders and seizing the same pursuant to law.

The Board does agree that the most recent data contained in Tables 7 and 8 of the Grand Jury report identify that in San Luis Obispo County, about 1% of the Orders After Hearing (OAH) do not contain a firearms prohibition. The statewide average is 2.6%. Additionally about .4% of the Criminal Protective Orders (CPO) does not contain firearms prohibitions. The statewide average is 1.4%. Penal Code Section 136.2 relates to Criminal Protective Orders and does contain a clause that prohibits the possession of firearms. Criminal Protective Orders are approved by the Court.

Grand Jury Finding Number 6.

A batterer who has been convicted of a domestic violence crime and is on probation has a Criminal Protective Order (CPO) preventing him from contact with the victim. When the terms of his probation expire and the CPO is no longer in effect, the Probation will conduct an assessment before recommending to the court whether he can be reunited with family. Batterers with Family Court orders however are not assessed and often repeat actions after the victim takes him back.

Recommended Board Response:

The Board agrees with this finding in general terms. However, we note that the Grand Jury has not provided data specific to San Luis Obispo in support the finding's last statement regarding repeat offenses related to batterers with Family Court orders. The Board recognizes that many victims of domestic violence often reunite with the spouse or partner who committed the domestic violence act and as a result become repeat victims of domestic violence. The decision to order an assessment of the batterer before reuniting with the family is a Family Court responsibility and is not within the jurisdiction of the Probation Department.

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Grand Jury Recommendation Number 1

Information about local resources and services for victims of domestic violence and their children should be disseminated widely through the use of public service announcement in local media outlets and placed on the county's web site.

Recommended Board Response:

This recommendation is already partially implemented. The Victim Witness division of the District Attorney's office provides information to the victims of domestic violence. Victims of domestic violence can contact the Victim Witness division to obtain this information about available local resources. In addition, Victim Witness will place additional information about local resources to assist domestic violence victims on their portion of the County's web site. This will be done within the next six to ten months in conjunction with the next phase of the County web site development. Victim Witness is also working with the Domestic Violence Task Force to determine a format and content for public service announcements related to domestic violence.

The Sheriff-Corner response is shown as Attachment 1. The Probation Department is shown as Attachment 2.

OTHER AGENCY INVOLVEMENT

The Sheriff-Coroner, Chief Probation Officer and Victim Witness Division of the District Attorney's Office were contacted as part of the evaluation of the response to this report.

FINANCIAL CONSIDERATIONS

There are no specific costs identified with the response to this Grand Jury Report. Implementing the changes to the County's web site is already planned and will be handled within existing operational budgets.

RESULTS

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code

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Patrick Hedges

Sheriff-Coroner

P.O. Box 32
San Luis Obispo, CA 93406

San Luis Obispo County Sheriff's Department

July 14, 2006

Area Code:
(805)

Administration
'81-4540

Animal Services
'81-4400

Civil
Enforcement
'81-5484

Crime
Prevention
'81-4547

Custody
'81-4600

Detectives
'81-4500

Patrol
'81-4550

Coast Station
528-6083

Dispatch
'81-4550

North Station
237-3000

South Station
473-7100

Watch
Commander
'81-4553

Permits
'81-4575

Property
'81-4533

Records
'81-4140

Warrants
'81-4588

The Honorable Roger Picquet
Presiding Judge of the Superior Court
County Government Center
San Luis Obispo, California 93408

Re: 2005-2006 Grand Jury Report: Restraining Orders

Dear Judge Picquet:

I have reviewed the 2005-2006 Grand Jury Report entitled "Restraining Orders: Paper Thin Protection". My response to their findings and recommendations are as follows:

Finding 1

"Victims of domestic violence are often not well informed about resources and community support available to them. They are also reluctant to report incidents of abuse for fear of escalating violence, embarrassment, and/or possible separation from their children".

The Sheriff's Department agrees with this finding.

Finding 3

"Arrests for domestic violence by law enforcement is inconsistent across law enforcement agencies".

The Sheriff's Department agrees with this finding, however notes that the varying number of documented domestic violence calls and the number of domestic violence arrests per 1,000 population of each of the studied jurisdictions fall into a general range which seems to be within the same range as those reported by law enforcement agencies throughout the state of California.

Attachment 1

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Recommendation 2

"Domestic violence training for law enforcement officers, dispatchers and first responders is readily available and needs to be considered an essential element in their training. (Finding 3)"

The recommendation has been implemented. The department already considers domestic violence training as an essential element.

Recommendation 3

"Training for law enforcement officers should include a heightened awareness of the need for EPO's, where appropriate, in handling incidences of domestic violence. (Appendix E). When issuing EPO's, law enforcement should distribute bilingual brochures describing the steps to be taken to ensure the safety of each party present at the scene. (Findings 1 & 3)"

While the respondent agrees, the recommendation requires further analysis. The department will review its' domestic violence training curriculum as well as current and future POST training videos on the subject and determine if additional instruction on EPO's is needed to implement this recommendation within the next six months. The department will also collaborate with other agencies within the San Luis Obispo County Criminal Justice Administrator's Association and determine if bilingual brochures for victims of domestic violence are needed and if so develop and distribute them as necessary within the next six month period.

Recommendation 4

"Law enforcement officers should make every effort to insure that batterers surrender their firearms in accordance with federal and state law".

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PAGE THREE - RESPONSE TO GRAND JURY REPORT - RESTRAINING ORDERS
July 14, 2006

The recommendation has been implemented by the department. Deputy sheriffs are diligent in investigating whether firearms are present in the home, or accessible to or owned by domestic violence offenders and in seizing same pursuant to law.

Sincerely,

PH by Steven A. Bolts

Patrick Hedges
Sheriff-Coroner

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COUNTY OF SAN LUIS OBISPO
PROBATION DEPARTMENT

County Government Center Room 400, San Luis Obispo, CA 93408
(805) 781-5300 FAX: (805) 781-1231
Kim Barrett, Chief Probation Officer
Myron Nalepa, Assistant Chief Probation Officer

To: **VINCE MORICI, ADMINISTRATIVE ANALYST**

From: **KIM BARRETT, PROBATION**

Date: **JUNE 19, 2006**

Subject: **RESPONSE TO GRAND JURY REPORT ON RESTRAINING ORDERS
"PAPER THIN PROTECTION"**

Attached are the requested responses to **FINDINGS – #5 AND RECOMMENDATIONS #5**

FINDINGS:

#5. According to information provided to the Grand Jury, participants in counseling groups may go for several weeks without attending meetings before the Probation Department is notified. If a probationer fails to comply with the mandated number of sessions, he is returned to court for violation of probation, and an arrest warrant may be requested.

RESPONSE: WE DISAGREE PARTIALLY WITH THE FINDING. Pursuant to Penal Code Section 1203.097 probationers ordered to attend Domestic Violence group can be excused for no more than three sessions during the program. The treatment Providers are very good about notifying the Probation Officer, at least verbally, thus Probation is notified immediately if a participant misses more than three sessions without an excused absence. It takes time to obtain the documentation necessary and return the individual to court. The Probation Department has made it very clear to our treatment providers that the Probation Officer must be notified if there is a problem with a Probationer in group, or if they are missing group. In addition Probation Officers participate in a meeting with treatment providers monthly where we address any problems/issues and make any necessary adjustments to ensure we are meeting the mandate of the law and best practices in relation to their treatment. Any exceptions that we discover we address immediately. Yes, if a Probationer fails to comply they are either returned to group or returned to court, in or out of custody. If we are unable to find the Probationer a warrant is requested as a practice of due diligence.

RECOMMENDATIONS:

5. Batterers with stay-away orders from Family Court should be required to undergo a formal assessment prior to family reunification.

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5. Batterers with stay-away orders from Family Court should be required to undergo a formal assessment prior to family reunification.
6. **RESPONSE: HAS NOT YET BEEN IMPLEMENTED. The Probation Department has no involvement with Family Court. Family Court is run by the Superior Court with the assistance of Family Court Services. The Probation Department does think this is a very good idea.**

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